

Remarks

Claims 1-17 are pending, with claim 1 being the only independent claim. Claims 8, 12, and 14 have been amended to even more clearly recite and distinctly claim the present invention. Support for the amendments may be found throughout the specification, including in the original claims. Without disclaimer of the subject matter contained therein, claims 18-32 have been cancelled as directed to non-elected subject matter. Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to the subject matter of the cancelled claims.

Initially, Applicants would like to thank the Examiner for indicating that claims 2, 8, and 15-17 contain allowable subject matter.

Applicants respectfully request the Examiner to withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 8, 12, and 14 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. In order to expedite prosecution, claims 8, 12, and 14 have been amended to remove the claim term “possibly” and recite “optionally.” Applicants respectfully assert that the amendment obviates the rejection under 35 U.S.C. § 112, second paragraph and request withdrawal thereof.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-7, and 9-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sasamoto (EP 0493 745). Applicants respectfully disagree with this rejection; therefore, this rejection is traversed.

Sasamoto relates to *cyclic* fluorescent compounds of Formula A which are capable of forming complexes with rare earth metal ions. The cyclic complexes of Sasamoto exhibit fluorescence.

In contrast, the presently claimed invention relates to the compounds of formula I. The presently claimed compounds of formula I differ from the compounds of formula A of Sasamoto in at least two significant ways. In the presently claimed compounds, the element $-N[(C)_{1-2}-C-Z-C-C-Z'-C]_2$ comprises a trisubstituted carbon; however, in this similar element

in Sasamoto's compounds of formula A, there is no trisubstituted carbon. Moreover, the compounds of formula A of Sasamoto are cyclic. In the compounds of formula A of Sasamoto, the groups substituting the nitrogen atom should correspond to R⁴ and R⁵ in the presently claimed compounds. In Sasamoto, these substituents form a cyclic structure providing the *cyclic* fluorescent compounds, as illustrated. In contrast, the substituents R⁴ and R⁵ in the presently claimed compounds are independent and ,as defined, can not together form a cyclic structure. R⁴ and R⁵ in the presently claimed compounds are two independent groups, each ended by a group which is anionic at a neutral pH, respectively A⁴ and A⁵.

Applicants respectfully submit that these significant structural differences provide differences in the luminescent properties of the different compounds. Applicants note a comparison of the luminescent properties on the basis of the fluorescence lifetime of the presently claimed compounds and the compounds of Sasamoto. Examples 7 and 8 of Sasamoto provide the fluorescence lifetime of europium complexes of two examples of the compounds of formula A. Example 7 provides that the fluorescence lifetime of a cyclic europium complex of (g) acid is 505 µs. Acid (g) of Sasamoto corresponds to 2,15-diaza[3.3](2,9)-1-10-phenanthrolinophane-N²,N¹⁵diacetic acid. Example 8 provides that the fluorescence lifetime of a cyclic europium complex of (u) diacid is 1140 µs. As described above, in the cyclic compounds of Sasamoto, the two substituents on the nitrogen together form a biradical which forms a cycle with the nitrogen atom.

In contrast, the fluorescence lifetime of the complex illustrated in example 6 of the present application is 1380 µs. As described above, in the presently claimed compounds the substituents R⁴ and R⁵ are independent and as defined can not together form a cyclic structure.

For at least the above reasons, Applicants respectfully submit that the presently claimed compounds are significantly different than the compounds of Sasamoto. Sasamoto does not disclose or suggest all of the elements of the presently claimed compounds of formula I. Therefore, Sasamoto cannot anticipate the presently claimed compounds.

Accordingly, for at least the above reasons, Applicants respectfully request withdrawal of the rejection of claims 1, 3-7, and 9-14 over Sasamoto.

Conclusion

For the reasons noted above, the art of record does not disclose or suggest the inventive concept of the present compounds as defined by the claims.

In view of the foregoing amendments and remarks, reconsideration of the claims and allowance of the subject application is earnestly solicited. In the event that there are any questions relating to this application, it would be appreciated if the Examiner could telephone the undersigned attorney concerning such arguments so that prosecution of this application may be expedited.

If necessary for a timely response, this paper should be considered as a petition for an Extension of Time and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 104014.B130135).

Respectfully submitted,

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